



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/820,496	03/19/1997	WILLIAM GEORGE WILHELM		2970

4988            7590            07/03/2002

ALFRED M. WALKER  
225 OLD COUNTRY ROAD  
MELVILLE, NY 11747-2712

EXAMINER

FLEMING, FRITZ M

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	08/820,496	WILHELM, WILLIAM GEORGE
	Examiner	Art Unit
	Fritz M. Fleming	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 17 May 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 49-54 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 49-54 and 56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Fritz M. Fleming  
Patent Examiner

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>38</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Continued Prosecution Application***

1. The request filed on 5-15-02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/820,496 is acceptable and a CPA has been established. An action on the CPA follows.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 49-54,56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plahn et al. in view of Young and Godard et al. and Papathomas et al. Plahn et al. teach the use of a main source of AC being the Engine/Generator, and a secondary source in the form of a battery 42. In mode three, the power from the engine/generator set 44 is not enough to satisfy the load 67, so the batteries 42 are boosted to supply additional power to the load 67 during a surge, thus providing a sharing of power. Charging occurs except during mode three. The DC load is at the DC bus 48 to provide a constant 170VDC, but the loads are AC. A controller is at 70 to keep the device operating as designed.

Young shows the use of two AC sources 10/100, that are in turn also primary DC sources, with the secondary source 110' in the form of battery 140, providing surge power via power sharing. Thus if one of 10/100 is a primary source of AC and the

battery 140 is the secondary source of DC, then the other of the 10/100 is an alternative primary source of DC. The load is DC.

Godard et al. teach the use of a photocell 1 as a source of DC, as well as the battery 3, such that the power is usually supplied by the photocell for charging the battery and running the load 5, with the excess being transformed into AC and placed onto the grid. Column 3, lines 13+ state that any deficit is made up by the battery. If the AC fails due to a power outage, the battery will provide power.

Papathomas et al. shows the use of numerous AC supplied rectifiers and a backup battery 15 that will share some of the load when the AC is present (columns 2/3) and obviously provides the DC when the AC fails.

Thus it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify Plahn et al. in view of Young and Godard et al. and Papathomas et al. for the purpose of ensuring proper sharing for DC loads so that the primary source will not have to supply the peak. Lighting loads are obviously taught by Plahn et al. Since Godard shows a photocell, other alternative sources such as wind power are rendered obvious as such are well known to serve as alternative sources equivalent to the photocell. It is well known for alternative sources of DC to have storage mediums. The combined teachings set forth that if the primary source of AC is absent, then the battery and the alternative primary (i.e. Young) will supply the power.

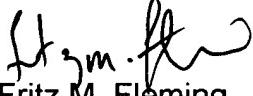
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references set forth auxiliary supplies as well as power sharing.

***Response to Arguments***

5. Applicant's arguments with respect to claims 49-54,56 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M. Fleming whose telephone number is 703.308.1483. The examiner can normally be reached on M-F 0630-1500.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1782.



Fritz M. Fleming  
Primary Patent Examiner  
Art Unit 2836

fmf  
July 1, 2002